

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARING

MOTOR VEHICLE EMISSION BUDGET (MVEB) FOR THE
PHASE II OZONE ATTAINMENT DEMONSTRATION
STATE IMPLEMENTATION PLAN (SIP)

NOTICE IS HEREBY GIVEN that pursuant to ss.285.11(5) and (6) and 285.15, Stats., the Department of Natural Resources (The Department) will hold a public hearing on two interim motor vehicle emission budgets (MVEB), of which one will be selected to be part of the plan to attain the one-hour ozone standard. The MVEB alternatives under consideration are: One budget which consists of 31.98 tons of volatile organic compounds (VOC) / summer weekday and 78.53 tons of nitrogen oxides (NOx) / summer weekday; and the other alternative budget which consists of 32.14 VOC tons / summer weekday and 85.51 NOx tons / summer weekday.

On December 16, 1999, the United States Environmental Protection Agency, (EPA), conditionally approved the Phase II ozone attainment demonstration SIP that was submitted by the Department on April 30, 1998. EPA will convert the conditional approval to disapproval if there is no budget submitted by May 31, 2000 that EPA can determine adequate for conformity purposes.

BACKGROUND

The SIP includes annual estimates of motor vehicle emissions through the year 2007. These estimates are used to determine the future conformity of transportation plans, as described by CAA section 176 (c)(2)(A) (42 USC 7506(c)(2)(A)). A SIP cannot effectively demonstrate attainment unless it identifies the level of motor vehicle emissions that can be produced while still demonstrating attainment. This "budget" forms the basis for comparisons of the various transportation plans.

The Department conducted a public hearing on February 4, 2000 in Milwaukee to solicit public comments on the Phase II plan updates which Wisconsin proposed to address conditions listed in EPA's proposed rule. If the State does not fulfill these commitments, the conditional approval will be converted to disapproval and a sanction process will begin. Section 179(a) of the Clean Air Act provides for the imposition of two sanctions and the implementation of a federal implementation plan if states submit no plan or an incomplete plan. The sanctions include 2:1 offsets for sources subject to new source review requirements under section 173 of the Clean Air Act and limiting the receipt of Federal highway funds. Although the sanctions become effective 24 months after SIP disapproval, a transportation conformity freeze could begin as early as June 1, 2000.

Several comments were received stating the MVEB should be 32.14 tons of volatile organic compounds (VOC) on a summer weekday, and 85.51 tons of nitrogen oxides (NOx) on a summer weekday. These comments indicated that this proposed MVEB was consistent with what the Lake Michigan Air Director's Consortium (LADCO) modeled for vehicle miles traveled (VMT) growth in 1995 and was sufficient for attainment of the one-hour ozone standard and provided a sufficient buffer to minimize the chances of a transportation conformity failure.

EPA submitted a comment letter dated February 10, 2000 indicating that EPA Regulations and Supporting Guidance on MVEB in Phase II Ozone Attainment Demonstrations, stipulates that MVEB must reflect appropriate and up to date projections of motor vehicle emissions for the attainment year. For example, assumptions about VMT, socio-economic variables and other planning assumptions must be appropriate and up-to-date. Also, the inputs to the MOBILE5 model, (MOBILE5 is a computer program that estimates hydrocarbon (HC), carbon monoxide (CO), and NO_x emission factors for gasoline fueled and diesel powered highway motor vehicles) and vehicle fleet characteristics must be appropriate and up-to-date as required by EPA's guidance on SIP inventories and the MOBILE users' guide. The nonattainment area MVEB and VMT inventory that are used to establish the budgets must include the effects of all motor vehicle controls that will be in place by the attainment year, including federal measures, (e.g., National Low Emission Vehicle – NLEV program) and the mobile source control measures assumed in the NO_x SIP Call.

Given the conflicting comments, WDNR is soliciting public comment on two MVEB that were submitted to EPA on February 22, 2000 by WDNR. One budget is 31.98-tons/summer weekday of VOC and 78.53-tons/summer weekday of NO_x (based on the most recent transportation planning assumptions), the other budget is 32.14-tons/summer weekday of VOC and 85.51 tons/summer weekday of NO_x (based on the mass emissions assumed in LADCO's modeling. WDNR is holding a public hearing on both these budgets to obtain additional comment to determine if the MVEB should accommodate transportation stakeholders requests to secure a so called "safety margin" (i.e. buffer) sufficient to avoid a conformity failure. The public hearing will also provide the forum to address the issues raised by EPA's comment letter dated February 10, 2000.

The motor vehicle budget that is determined adequate by EPA for conformity purposes on (or about) May 31, 2000 is subject to revision when the final (or Phase III) attainment demonstration SIP is submitted by December 31, 2000 to EPA. The Phase III budget is expected to take into account all federal measures through 2007 that are finalized by the submittal dates as well as all measures included in the final modeled attainment demonstration. The control measures and modeling assumptions used to develop the motor vehicle emissions budget is described in Appendix 2.

NOTICE IS HEREBY FURTHER GIVEN that the Department will hold a public hearing on

Friday, April 14, 2000 at 1:00 PM
Southeast District Headquarters, Room 140-141
2300 North Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212

Written comments on the proposed SIP components may be submitted to Mike Friedlander, Bureau of Air Management, P.O. Box 7921, Madison, WI 53707 no later than 4:30 PM, Tuesday April 18, 2000. Written comments will have the same weight and effect as oral statements presented at the hearing.

Copies of documents relevant to this matter, including EPA's conditional approval letter dated 12/1/99, a technical review document that forms the basis for EPA's 12/1/99 letter, a technical support document that forms the basis for the Department's 4/30/98 submittal to EPA, the Department's submittal to EPA dated 2/22/00, etc., may be inspected at the Department's Southeast District Headquarters, 2300 North Dr. Martin Luther King Jr. Drive, Milwaukee, WI

53212 or at the Department's Bureau of Air Management, 7th Floor - GEF II, 101 South Webster Street, Madison, WI 53707. Copies of relevant documents are also available at the Department's Website, (www.dnr.state.wi.us/org/aw/air/hot/index.htm) or by contacting Mike Friedlander by telephone at (608) 267-0806 or by e-mail at: friedm@dnr.state.wi.us.

Dated at Madison, Wisconsin March 8, 2000

STATE OF Wisconsin DNR

By _____
/s/ George E. Meyer, Secretary